
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
City of Mesquite)	File No. EB-FIELDSCR-12-00000511
Owner of Antenna Structure Number)	NOV No. V20123250011
1062670)	
)	
Mesquite, Texas)	
)	

NOTICE OF VIOLATION

Released: April 2, 2012

By the District Director, Dallas Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's Rules,¹ to City of Mesquite, owner of antenna structure number 1062670 in Mesquite, Texas.

2. On January 29, 2012, an agent of the Enforcement Bureau's Dallas Office inspected antenna structure number 1062670 located in Mesquite, Texas, and observed the following violation(s):

- a. 47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the Federal Aviation Administration's (FAA's) painting and lighting recommendations set forth on the structure's FAA determination of "no hazard," as referenced in the . . . FAA Advisory Circulars." The FCC's Antenna Structure Registration (ASR) database currently indicates that the antenna structure requires aviation orange and white paint and red obstruction lighting in accordance with FAA Circular Number 70/7460-1G, Chapters 3, 4, 5, and 9. At the time of the inspection, the antenna structure did not conform to these recommendations. The structure paint was deteriorated, and the structure was equipped with dual-red and medium intensity flashing white obstruction lighting system, and therefore is in violation of 47 C.F.R. § 17.23. In order to come into compliance with the Commission's rules, City of Mesquite must: obtain a new FAA "no hazard" determination indicating that the current lighting system is permitted² and

¹ 47 C.F.R. § 1.89.

² The City of Mesquite did obtain two "no hazard" studies from the FAA in 2004, 2004-ASW-439-OE and 2004-ASW-2370-OE to allow the use of dual Red and Medium Intensity Flashing White Strobe lights. If these studies are still valid the City of Mesquite could use the latest study to update the Antenna Structure Registration.

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then submit a modified antenna structure registration to reflect the new “no hazard.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission’s Rules, City of Mesquite, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation, to preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the City of Mesquite. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Dallas Office
9330 LBJ Freeway, Suite 1170
Dallas, Texas, 75243

4. This Notice shall be sent to by Certified Mail/Return Receipt Requested and regular mail to City of Mesquite at its address of record.

5. The Privacy Act of 1974⁴ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁵

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells
District Director
Dallas District Office
South Central Region
Enforcement Bureau

³ 47 U.S.C. § 403.

⁴ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁵ 18 U.S.C. § 1001 *et seq.*